

Eric H. Findlay  
(SBN: 00789886)  
efindlay@findlaycraft.com  
FINDLAY CRAFT, LLP  
6760 Old Jacksonville Hwy, Suite 101,  
Tyler, TX 75703  
903/534-1100  
903/534-1137 (fax)

Attorney for Plaintiff  
KELLY MICHEALS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KELLY MICHAELS,

Plaintiff,

v.

GOOGLE INC,

Defendant.

Case No. C 12-02034 JCS

**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 41 (a)(1)**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

**PLEASE TAKE NOTICE** that Plaintiff KELLY MICHAELS ("Plaintiff") pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses all claims in this action *without prejudice* as to Defendant Google Inc.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

**(a) Voluntary Dismissal.**

**(1) By the Plaintiff.**

**(A) Without a Court Order.** Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer  
or a motion for summary judgment

\* \* \*

Defendant has neither answered Plaintiff's Complaint, nor filed a motion for summary  
judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of  
the Court.

Dated: May 16, 2012

By: /s/ Eric H. Findlay  
Eric H. Findlay  
State Bar No. 00789886  
Findlay Craft, LLP  
6760 Old Jacksonville Hwy  
Suite 101  
Tyler, TX 75703  
(903) 534-1100  
(903) 534-1137 FAX  
[efindlay@findlaycraft.com](mailto:efindlay@findlaycraft.com)  
  
ATTORNEY FOR PLAINTIFF  
KELLY MICHAELS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented  
to electronic service are being served with a copy of this **NOTICE OF VOLUNTARY  
DISMISSAL**, via the Court's CM/ECF system per Local Rule CV-5-5(b) on this the 16<sup>th</sup> day of  
May 2012.

/s/ Eric H. Findlay  
Eric H. Findlay